

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x : UNITED STATES OF AMERICA

: PROTECTIVE ORDER ON CONSENT

- v. -

: 11 Cr. 548 (GBD)

WILLARD LANHAM,  
a/k/a "Ross Lanham,"

Defendant. :

- - - - - x

WHEREAS, WILLARD LANHAM, a/k/a "Ross Lanham," the defendant has sought discovery materials from the Government pursuant to Federal Rule of Criminal Procedure 16 ("Rule 16"), and the Government has been and intends to continue producing documents to the defendant pursuant to Rule 16;

WHEREAS, certain of the documents that the Government intends to produce to the defendant pursuant to the defendant's requests and Rule 16 were provided to the Government by International Business Machines Corporation ("IBM") and reflect proprietary and non-public financial, pricing, and/or strategy information concerning IBM;

WHEREAS, the Government seeks to protect against the disclosure of such non-public information to third parties;

WHEREAS, in the interest of expediting the discovery process, WILLARD LANHAM, a/k/a "Ross Lanham," the defendant, by his attorney Philip L. Weinstein, Esq., consents to the entry of this Order; and for good cause shown,

IT IS HEREBY ORDERED:

1. Photocopies of certain discovery materials provided to the Government by IBM and that contain and/or reflect proprietary and non-public financial, pricing, and/or strategy information concerning IBM, which are produced by the Government to the defendant in this action pursuant to its discovery obligations and bear the label "USG - Confidential Information" are deemed "Confidential Information."

2. Confidential Information disclosed to the defendant or to his counsel during the course of proceedings in this action:

(a) Shall be used by the defendant or his counsel only for the purposes of this action;

(b) Shall not be copied or otherwise recorded by the defendant;

(c) Shall not be disclosed in any form by the defendant or his counsel except as set forth in paragraph 2(d) below;

(d) May be disclosed by the defendant's counsel and only to the following persons (hereinafter "Designated Persons") :

(i) investigative, secretarial, clerical, paralegal and student personnel employed full-time or part-time by the defendant's attorney;

(ii) independent expert witnesses, investigators or advisors retained by the defendant in connection with this action;

(iii) such other persons as hereafter may be authorized by the Court upon such motion by the defendant; and

(e) Shall be returned to the Government following the conclusion of this case and any and all copies made of said material shall be shredded and destroyed.

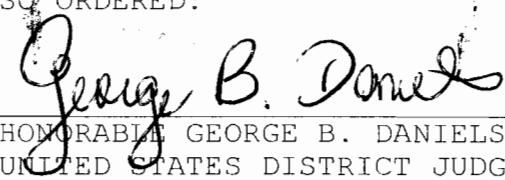
3. The defendant and his counsel shall provide a copy of this Order to Designated Persons to whom Confidential Information is disclosed pursuant to paragraphs 2(d)(i)(ii) and (iii). Designated Persons shall be subject to the terms of this Order.

4. The provisions of this Order shall not be construed as preventing the disclosure of any information in any motion, hearing, trial, or sentencing proceeding held in this action or to any judge or magistrate of this Court for purposes of this action.

Dated: New York, New York  
~~September~~ 14, 2011  
October

OCT 14 2011

SO ORDERED:

  
HONORABLE GEORGE B. DANIELS

UNITED STATES DISTRICT JUDGE

HON. GEORGE B. DANIELS

AGREED AND CONSENTED TO:

  
Philip L. Weinstein, Esq.  
Attorney for WILLARD LANHAM

9/20/11  
Date